

### REMARKS

The action by the Examiner of this application, together with the cited references, have been given careful consideration. Following such consideration, claims 1, 6, 8 and 9 have been amended to more clearly define the patentable invention applicant believes is disclosed herein. The remaining claims are unchanged by the present amendment paper. The claims are presented herein according to the "revised amended format" announced by the USPTO on January 31, 2003. It is respectfully requested the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

The Examiner has objected to claims 8 and 9 as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner has indicated that the applicant is required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claim in independent form. Accordingly, the claims 8 and 9 have both been amended to independent form. Therefore, it is respectfully requested that the Examiner withdraw the objection to claim 8 and 9.

The Examiner has rejected claims 1-9 under 35 U.S.C. 102(b), as being anticipated by King (U.S. Patent No. 4,738,380). Furthermore, the Examiner has also rejected claims 1-9 under 35 U.S.C. 103, as being obvious in view of the combined teachings of King '380 and European Patent Document No. 0149164.

It is respectfully submitted that neither King '380 nor EP '164, taken individually or in combination, teach or suggest the applicant's invention as set forth in the present claims. In this regard, independent claims 1, 8 and 9 recite "said shock-absorbing interface zone being isolated from molten metal poured through the ceramic pouring tube element." In contrast, King's ceramic mortar 49 has a direct exposure to the interior of pour tube 42. In EP '164, ceiling compound 11 is directly exposed to the interior of the pour tube. By not having direct contact between the material in the interface zone and the molten metal, as it passes through the pouring tube element, the material in the interface zone does not become deformed prematurely.

The amendment to claim 1 was earlier presented to the Examiner as a proposed amendment for discussion at a telephone interview held March 27, 2003. The Examiner considered the proposed amendment, and indicated that neither King nor EP '164 teach or

suggest the invention, as defined by proposed amended claim 1, and thus the prior art rejection based upon King and EP '164 was overcome. However, the Examiner indicated that he would not enter the proposed amendment to claim 1 as an After Final Amendment, since it would require him to conduct a new search for prior art. Accordingly, the applicant submits the present amendment in connection with a Request for Continued Examination (RCE).

In view of the foregoing, it is respectfully submitted that independent claim 1, 8 and 9 overcome the prior art rejection based on King and EP '164. Furthermore, the remaining claims depend from independent claim 1, and thus it is respectfully submitted that these claims are patentable over the prior art for at least the reasons set forth above in connection with claim 1.

In the First Office Action, the Examiner raised an objection to FIG. 4, regarding a "prior art" legend. In the applicant's Response to the First Office Action, a proposed drawing correction was submitted for the Examiner's consideration. It is respectfully requested that the Examiner acknowledge whether the proposed drawing correction has been approved.

In view of the foregoing, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any additional fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. BE7344PCT(US).

Date: April 4, 2003

Respectfully submitted,



Michael A. Jaffe  
Registration No. 36,326

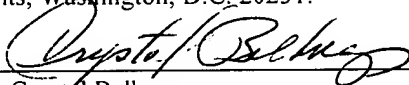
Mark Kusner Co., LPA  
Highland Place – Suite 310  
6151 Wilson Mills Road  
Highland Heights, Ohio 44143  
(440) 684-1090 (phone)  
(440) 684-1095 (fax)

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I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box RCE, Assistant Commissioner for Patents, Washington, D.C., 20231.

Date: April 4, 2003

  
Name: Crystal Belknap